

Pam 347.246: (*41)

THE CANADIAN WATERFOWL SITUATION

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(Presented by W. Winston Mair, Chief,
Canadian Wildlife Service, to the
annual meeting of the International
Association of Game, Fish and
Conservation Commissioners at Seattle,
Washington, September 13-17, 1954.)

The title of my paper is "The Canadian Waterfowl Situation", but you must not take it too literally. That title is more of a peg on which to hang my remarks than an exact description. I fully appreciate that administrators who are themselves keen sportsmen wish to hear how waterfowl conditions are, and would like to hear that the birds are more plentiful than ever. While I can hardly go so far as that, I am happy to assure you that waterfowl numbers and breeding conditions are generally satisfactory in Canada this year. It does not appear useful, in an address such as this, to attempt to break the general picture down into its component parts; I shall be pleased to answer specific inquiries, if possible, after this session.

I have noted that this paper comes within the scope of the panel on "The Role of Commissions in Establishing Fish, Game and Conservation Policies and Programs". That encourages me not to stick too closely to the subject of the waterfowl situation. I think it may be more useful and more appropriate at this time to trace the history of waterfowl management in Canada, and to describe the mechanisms involved in the regulation and management of waterfowl in Canada today. I particularly desire to emphasize the very happy relationships which exist in this field between federal and provincial authorities, and which enable those mechanisms to function smoothly and efficiently.

In Canada, all wildlife belongs to the provinces and the territories. Wildlife in the National Parks, which are administered by the Federal Government, is the only exception to that rule. Under our constitution, however, the Government of Canada has all powers to carry out the terms of an external treaty, whether those terms affect matters under provincial jurisdiction or not. Such a treaty is the Migratory Birds Treaty, signed with the United States in 1916.

The Migratory Birds Treaty was put into effect in Canada in 1917 by the Migratory Birds Convention Act. That Act specifies certain things which may be done by the Federal Government to carry out the terms of the Treaty, such as fixing open seasons and bag and possession limits, granting

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permits of different kinds, controlling shipments, establishing sanctuaries, and so on. Property in the migratory birds remains vested in the several provinces, and it is a generally-accepted principle that a province may pass laws affecting migratory birds provided that they are not less restrictive than the federal laws. For example, the Federal Government may provide an open season for waterfowl in a province, but the province may restrict the privilege to hunt waterfowl during that season by prohibiting hunting on Sundays, hunting on highways and other areas, hunting without a provincial licence, etc.

For a long time after the Treaty came into effect, federal participation in Canadian waterfowl management was limited. As recently as 1947 the Canadian Wildlife Service had only four field officers engaged in waterfowl administration and research in the whole of Canada and our activities were correspondingly restricted. To-day we have 12 ornithologists who carry on continuous administrative and research work on waterfowl matters under the direction of a Chief Ornithologist, as well as a small number of University students who are engaged as temporary assistants during the summer months.

With such vast areas to cover -- especially before the aeroplane was recognized as essential equipment for waterfowl management -- it was impossible for our officers to obtain information on anything near the present scale. Consequently the regulations whereby we attempted to manage waterfowl were largely of the trial-and-error variety. Little was known of the probable effects of any regulation, and several provisions which are now standard were only slowly and gradually accepted. As an illustration, I may mention that in 1934, when the drought of the nineteen-thirties had already been decimating prairie waterfowl stocks for some years, the daily bag limit for ducks was still from fifteen to twenty-five throughout Canada except in the provinces of Nova Scotia and Prince Edward Island, where it was ten.

In the development of our regulations there are certain outstanding landmarks. The first prohibition of the use of rifles, applying only in a small part of British Columbia, appeared in 1927; prohibition of rifles in the hunting of waterfowl became effective in all provinces in 1940. The use of wounded birds as live decoys was prohibited in 1931, and use of all live decoys in 1936. Baiting was first forbidden in Ontario in 1935, and was made unlawful throughout Canada the following year. You will note that both the use of live decoys and baiting came to an end in the same year -- 1936 -- when the consequences of the western drought were causing profound alarm.

We are still far from knowing the precise effect which any regulation will have on the annual waterfowl kill and thus on the total continental waterfowl population. However, increases in our field staff and the valued co-operation

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of the United States Fish and Wildlife Service, of provincial game administrations, and of such private agencies as Ducks Unlimited and the Wildlife Management Institute have enabled us to build up an ever-increasing fund of knowledge about our waterfowl. I should like at this point to make special note of the very fine co-operation of several State game agencies, extended this year in a greatly enlarged banding program across Canada.

Looking back over the history of the Migratory Bird Regulations in Canada, we can see that, like Topsy, they just grew. The first Regulations were issued in April, 1918, four months after the Treaty was ratified, and adhered very conscientiously to the framework of the Treaty. For example, the Treaty stipulates waterfowl seasons of not more than $3\frac{1}{2}$ months, opening not before September 1. The first Regulations dutifully provided a season of $3\frac{1}{2}$ months everywhere in Canada except in the Province of Manitoba, where it was $2\frac{1}{2}$ months; and in more than half of the country the opening date was September 1 -- even in areas where now the opening dates are as late as November or December. Daily bag limits for ducks varied from 20 to 50, and there were no possession limits. Restrictions on weapons, methods, and hours of hunting took up exactly the same number of lines as instructions on labelling packages for shipment.

The first revision of the Regulations took place two years later, in the spring of 1920. In 1921 the idea of waiting until later in the year seems to have taken root, and the Regulations were issued on August 31. We cannot tell now to what extent the early Regulations were based on some knowledge of waterfowl breeding conditions, but we can surmise that such was the case, as from 1921 onwards the date of issue has tended to be in the late summer. On seven occasions, all from 1925 to 1935, the Regulations appeared before July 26 -- once as early as June 14. Our aim in recent years has been to get them out, if possible, by the beginning of August; this year the date was July 28.

We have generally found ourselves on the horns of a dilemma when preparing the Regulations. On the one hand, we wish to get them out as long as possible before the opening dates, so that hunters, outfitters, resort owners, and tourist and transportation agencies may make their plans. On the other hand, we wish to have all available information about waterfowl status and breeding conditions before drafting the Regulations, and such information tends to be very sketchy until the middle of June, with brood data still lacking.

For the past 32 years, we have held provincial-federal wildlife conferences, at which we have discussed with the provinces our mutual problems and needs in regard to waterfowl management in Canada, as well as details of

enabling regulations. At first those conferences were held at intervals of two or three years, but for several years they have been held annually in the third week of June, when the latest waterfowl reports have been presented and discussed. We have then asked the provincial game authorities to let us have their final recommendations regarding opening dates, bag limits, and so on, not later than June 30. This year, final agreement was reached with four provinces at the Conference.

After the provincial recommendations come in, there is generally some correspondence before general agreement, on the game commissioner level, is reached. The complete draft of our revised Regulations must then be compiled, and copies sent for approval to the appropriate provincial ministers and to federal legal authorities. Only when all of these have approved the draft can we submit it to Privy Council, which generally holds meetings once weekly at that time of year. With all of these considerations, we feel that we do fairly well if, by working under pressure, we can pilot the Regulations through all stages and have the Order in Council adopting them passed by the end of July.

We are not entirely satisfied with present arrangements. We would like to give hunters and others concerned more time to make their plans based on waterfowl hunting; we would like to go further to meet provincial game authorities who wish to include waterfowl regulations in their own publicity material, which is often issued in July or August; and naturally we would like to reduce the heavy pressure on our own staff, now concentrated in a few weeks in the middle of summer. At the same time, we would like more advanced data on brood success. We have given very careful thought to these problems and, although we have not yet solved them, we believe we are making some progress.

One useful suggestion, which actually came from outside the Service, was the complete separation of the text of the Regulations from the schedules of open seasons and bag and possession limits. This was done in 1949. It made it easier for us to work towards stability in the text while keeping the necessary flexibility in the schedules. We have worked out display schemes for the schedules which can be used to a large extent both in the Regulations and in posters and other publicity, thus saving time and effort in publicizing the Regulations. Incidentally, the improved lay-out is easier for the public to grasp, and the tasks of public relations and enforcement are thereby lightened.

The separation of the text and schedules brought into relief the need for more simplification and uniformity. Over the years the text had become bulky, amounting in 1950 to fifty-one sections occupying eleven pages of small type. Almost half of the text was regional, that is, it consisted of regulations not applicable to the whole of Canada or

varying in their application to different parts of Canada. Up to that time the Regulations had tended to grow year by year in volume and complexity, and it was clear that something should be done to halt or reverse the process.

By 1953 the text had been cut from 51 sections to 42, and from eleven pages to less than ten of larger, more readable type. The proportion of regional restrictions has been reduced from almost half to less than one-third. Because of Canada's vast area and great variety of conditions we can probably never hope to attain perfect uniformity, but we are well encouraged by the progress that we have made.

While we would not dare to say that the Regulations are anywhere near ideal, they are now more satisfactory than they have been for many years, and very few amendments in the 1953 text were found to be necessary this year. We can look forward to a time, perhaps not far away, when the text can be renewed annually without change over prolonged periods. It may not be too much to hope that we can also attain some stability in the schedules, with open seasons and limits based on long-term average conditions. It would then be possible to renew the Regulations as a whole early in the year, reserving the power to make local or general adjustments later if developments during the breeding season called for them, and if we were sure that the adjustments were necessary and appropriate to cope with the developments.

The last phrase is perhaps the most crucial in this paper. As yet, wildlife management is not an exact science. Our knowledge of the effect of regulations is still generally qualitative, not quantitative; sometimes it is little more than guesswork. When the duck population was trembling in the balance during the drought of the thirties we prohibited baiting and the use of live decoys: we are reasonably certain that thereby we reduced the total kill, but we do not know by how much, nor do we know how important those measures were in contributing to the restoration of the ducks a few years later. We hopefully adjust bag and possession limits, without knowing precisely what they accomplish: if ducks are plentiful, bag limits may hold the total kill down, perhaps more than is desirable; if ducks are scarce, a low bag limit may look like an excellent conservation measure, but it may actually be futile if no hunters have the opportunity to take their limit. For a long time we in Canada believed in season bag limits, and tried to fit them to fluctuations in waterfowl numbers from year to year and from province to province. Then in some provinces season bag limits were dropped, and no evident disaster followed. Last year we abolished season bag limits for migratory game birds altogether, and nobody has noticed any difference.

With regard to opening dates we are on rather firmer ground. No good sportsman wishes to hunt birds of the year before they are reasonably well developed. In most parts of Canada, if the opening date is deferred too long the birds may be found to have started to move to the south. We have therefore fairly narrow limits between which the opening date for any area should be set. A complicating factor is the great north-and-south extension of some of our provinces: seven of them extend over more than ten degrees of latitude, and one -- Quebec -- to about seventeen degrees -- nearly 1,200 miles. Zoning for opening dates is therefore necessary.

In defining zones and setting opening dates we have to decide between the comparatively large number which biology and migration patterns would seem to call for and the small number which effective administration demands. Further considerations are the desirability of permitting migrant birds to dilute local stocks before shooting begins, and of making opening dates for waterfowl hunting correspond where possible with those for upland game birds to lessen the gun pressure on each group. Naturally we cannot please all hunters, and every year there are complaints from some areas -- especially areas adjoining zone boundaries -- but on the whole we believe that the majority find the opening dates quite acceptable. There is one large area, however, where we have a perennial bone of contention. The Treaty stipulates that no waterfowl season should open before September 1, but in the Northwest Territories and Yukon migration has already commenced by that date, and the effective waterfowl-hunting season is over very soon afterwards. For more than thirty years requests for an August opening have been coming from the Territories, and have had to be turned down because of the Treaty commitments.

At one time it seemed unquestionable that a powerful tool of management was available in manipulation of season lengths. It appeared so simple: plenty of ducks, a long season; few ducks, a short season; in-between numbers, just change the number of days, as one might move the regulator of a watch a little one way or the other. To-day we are not so sure. Bag checks and hunting pressure studies have shown us that the critical period of an open season comes at the beginning. The bulk of the kill may be concentrated in the first week-end, sometimes the first day, sometimes even the first hour. Many factors combine to cause a tapering-off as the season advances: inclement weather, progress of migration, greater wariness of the birds, ending of vacations, or even the shooting-out of marshes under heavy hunting pressure. In the circumstances, changing the lengths of seasons by a few days or a few weeks may have no value in regulating the kill, and the hundred-day seasons familiar to the last generation may have little more meaning than the forty-five-day seasons we clamped down only six years ago.

There are other considerations affecting season lengths, however. There is the psychological lift which a hunter gets from the announcement of an extra three or five or ten days of duck hunting, even though his hunting enthusiasm may peter out before the season is half over. In the prairie provinces particularly, the recurrent problem of crop damage must be borne in mind. Western game administrators still shudder at the memory of the long wet autumn of 1951, which prevented farmers from bringing in their harvest and at the same time kept the ducks on the prairies until after the end of the hunting season. Such conditions will not often recur, we hope, but if they do the season should be long enough to assist in reducing crop damage.

Another consideration is that migration is not an irresistible force. Waterfowl have the rather human failing of liking to stick around while things are good. If food is plentiful and the weather is mild, they may delay migration until the urge fades or until freeze-up takes them by surprise, the inevitable result being heavy winter losses. If the season is long enough to cover normal freeze-up, we may hope that there will be enough hunters out in the short cold days to keep the birds on the move and chase them over the border, or at least to make sure that some of them end up on the table instead of in the stomach of a predator or a scavenger. Because of the tapering-off of hunting pressure, we do not know how valid this argument is, but we have reason to believe that in most parts of Canada, if an extended season will not produce the expected good results, at least it will do no harm. The principle is being tested in a few provinces this year, notably in Ontario, where there are three zones with staggered opening dates but with the common closing date of December 15.

When the Treaty was signed wood ducks and eider ducks were seriously reduced in numbers, and special protection for them was stipulated. For many years close seasons on those species were enforced in most or all of Canada, and we believe that that protection helped them to come back. Restrictions on the taking of eider ducks lingered to some extent until 1951. The season is still closed for wood ducks in Nova Scotia*, and in several other provinces only one wood duck is allowed in the daily bag. The value of this continuing restriction has been questioned, but we are not yet sure enough of the facts to let it go. Certain other species of birds have had full protection since the Treaty was signed and are now present in large numbers. Their continued full protection in remote areas where supplies of fresh meat are inadequate or totally lacking is necessarily a matter for careful consideration.

* and in Prince Edward Island

We have not yet reached the stage where selective hunting, through regulation, can be adopted as a precision tool of management, but we have made some tentative proving along that line. Our first experiment was in Saskatchewan, the wheat province which lies right in the centre of the prairie "duck factory". The problem of damage to grain by ducks has been acute for several years, and has been aggravated by the fact that the most plentiful species, the mallard, is also the species with the greatest tendency to become a grain-eater.

In 1952, while the daily bag limit in other provinces was 7 or 8 ducks, we increased the Saskatchewan limit to 10 ducks, and the possession limit to 20. Last year, while keeping the same bag limit, we increased the Saskatchewan possession limit to 40, provided that not more than 20 were of species other than mallards. One positive effect of the change was that a farmer who had shot mallards in protecting his crops under permit was able to keep more of them-- up to 20 more--thus avoiding waste of good food.

The mathematical effect of the change on hunters' kill is rather uncertain, as the average season's bag of a Saskatchewan hunter is estimated at only 18 ducks of all kinds. Psychologically, however, the change is believed to have had definite results. It made it easier for farmers to get urban hunters to help them protect their crops. It is probable that many hunters optimistically concentrated on mallards, even though at the end of the season their total bag may have been less than 20. Moreover, since the motive of increasing the mallard possession limit was obviously to co-operate with the farmers in crop protection, the change had undoubtedly a public-relations value.

The same provision regarding possession of mallards in Saskatchewan is again in effect this year. We have also applied the principle this year to the greater snow goose in Quebec. That species has shown a steady increase in numbers over a period of years, and, as its migration route is constant and sharply defined, the concentration of greater snow geese on migration through the Province of Quebec has become spectacular. Unfortunately their northward migration coincides with the sprouting of grain crops in the farming areas, and there are many complaints of the damage done by geese trampling the wet spring fields and pulling up cereal seedlings. In order to reduce spring damage by increasing the autumn take of the geese, we are this year doubling the possession limit of geese in Quebec, from 10 to 20, provided that at least ten of the geese possessed are greater snow geese. The path by which those geese cross the province during their autumn migration is fairly narrow, and the greater part of the marshes on the St. Lawrence where they rest is a game preserve held by a fish and game club,

so that the total number of hunters affected by the provision is not large.

A somewhat similar measure has been taken in British Columbia, because of the large numbers of pintail and baldpate in the Pacific Flyway. In that province the daily bag limit for ducks has been raised from eight to ten, provided that not more than eight may be of species other than pintail or baldpate. The possession limit is equal to four days' bag limit; that is, a British Columbia hunter may possess 40 ducks, provided that not more than 32 of them are of species other than pintail or baldpate. "Baldpate", by the way, is the term more commonly used in Canada for the bird also known as "widgeon". The provisions just mentioned are parallel to those effective in Pacific Flyway States in recent years, allowing an additional number of widgeons and pintails in the daily bag or in possession.

In all such selective measures, of course, the degree of success depends largely on the individual hunter, on his ability to recognise common species in the field and his willingness to adjust his hunting practices to those measures. For that reason we are encouraging hunters to learn to identify the more common species of waterfowl. We have distributed many thousands of a pamphlet "Waterfowl Hunters' Guide", which contains illustrations stressing the diagnostic features and also contains hints for hunting efficiency, safety, and conservation.

In the long run, in fact, the efficacy of all game regulations in democratic countries such as ours depends on the co-operation of an intelligent and enlightened hunting public. We wish hunters to know what they are allowed to shoot, and to identify the birds that they do shoot. We wish to keep our regulations simple so that hunters can understand them, and can also understand the reasons behind the regulations. We do not wish to pose as divine law-givers, but as conscientious human beings trying to do a job as well as we can. In that job the hunter has a share: the law-abiding hunter is not so much obedient as co-operative.

I should like to refer here to certain of our regulations which do not deal strictly with hunting in the generally-accepted sense of the word, but which now have attained relative importance which could not have been foreseen by the framers of the Treaty. These are the regulations concerning damage to crops and other interests by migratory birds. Agricultural development on the prairies has during the last half-century greatly diminished natural waterfowl habitat while correspondingly increasing areas of croplands. Within recent years, the substitution of swathing for stocking has made cereal crops particularly vulnerable to waterfowl at harvest-time. Consequently the provision of effective measures to counteract migratory bird damage,

particularly waterfowl damage to prairie grain crops, has developed into one of our most pressing problems. Our crop-damage regulations have developed with experience, and now appear to be satisfactory and efficient, through delegation of authority to the chief game officials of the provinces. Control can be promptly applied when and where needed, with adequate safeguards to ensure that the necessary measures do not result in unnecessary and undesirable shooting of migratory birds.

We may never be perfectly satisfied with our regulations, but we are against change merely for the sake of change. Any change should be either a simplification of an older regulation or a measure which will produce worthwhile improvements in management or administration. Among these we include changes which bring our regulations into line with those which have proved their value in similar circumstances in the United States. For instance, the restrictions on magazine capacity and definition of plugging of shotguns are now identical on both sides of the border. With thousands of waterfowl-hunting tourists crossing the International Boundary every autumn, such parallelism avoids much confusion and ill-feeling and strengthens international friendship.

Our regulations therefore have implications going beyond the limited field of waterfowl management. They are bound up with our belief in education, good citizenship, and democracy; with co-operation between the varying levels of government, and between governments and outside institutions and groups; and with international harmony and collaboration. They are the fruits of the work of many people. I can conclude on no better note than by expressing the grateful acknowledgments of the Canadian Wildlife Service to all the individuals and agencies whose efforts are combined in waterfowl administration and management in Canada.